

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Division of Sport Fish

FRANK MURKOWSKI, GOVERNOR

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SPECIAL AREA PERMIT FG 05-II-0011

ISSUED: February 23, 2005

EXPIRES: December 31, 2009

Mark Premo
General Manager
Anchorage Water and Wastewater Utility
Municipality of Anchorage
3000 Arctic Blvd
Anchorage, AK 99503

Dear Mr Premo:

Re: Asplund Water Pollution Control Facility Outfall
Anchorage Coastal Wildlife Refuge
EPA NPDES Permit No. AK-002255-1
Ref. SID AK9912-04AA, FG 99-II-0641

Alaska Department of Fish and Game (ADF&G) has reviewed your request to reauthorize the discharge of treated wastewater from the Asplund Water Pollution Control Facility at Point Woronzof into the waters of Cook Inlet and the Anchorage Coastal Wildlife Refuge (ACWR). The outfall structure is located at 61° 12' 22.5" N. latitude, 150° 01' 08.7" W. longitude. This project was reviewed for consistency with the standards of the Alaska Coastal Management Program (ACMP) and the Anchorage Coastal Management Plan. A final consistency determination was received from the Division of Governmental Coordination on February 7, 2000.

Anchorage Coastal Wildlife Refuge was created pursuant to AS 16.20.031 to be managed for the protection of waterfowl, shorebirds, salmon, other fish and wildlife species, and their habitat for the use and enjoyment of the people of the state. Uses of refuge lands are controlled to prevent changes in habitat or other impacts that would be harmful to fish and wildlife populations. Hunting, fishing, trapping, and recreational activities are encouraged as long as they do not conflict with the primary reason for establishing the refuge.

In accordance with 5 AAC 95, project approval is hereby given subject to the following stipulation:

1. Any off-road use of vehicles or equipment on refuge lands, including the tidal flats at Point Woronzof, requires prior written authorization from ADF&G in the form of a special area permit.



The recipient of this permit (the permittee) is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify ADF&G, Division of Sport Fish, Anchorage, AK, and obtain written approval in the form of a permit amendment before beginning the activity. Any action taken by the permittee or an agent of the permittee that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of ADF&G. Therefore, it is recommended that ADF&G be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of 5 AAC 95. This permit must be retained on site during the activity. Please be advised that this approval does not relieve you of the responsibility for securing other permits, state, federal, or local.

Pursuant to 6 AAC 80.010 (b), the conditions of this permit are consistent with the Standards of the Alaska Coastal Management Program and the Kenai Peninsula Borough Coastal Management Program.

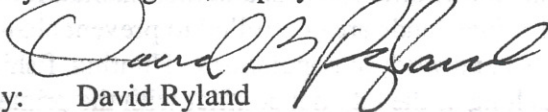
In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determines may be expected to result from, or that actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: (1) comply with a permit condition or a provision of 5 AAC 95; or (2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

The permittee shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

Pursuant to 5 AAC 95.920, an interested person may initiate an appeal of a decision made under this chapter in accordance with the provisions of AS 44.62.330-44.62.630 by requesting a hearing under AS 44.62.370.

Sincerely,

Wayne L. Regelin, Deputy Commissioner



By: David Ryland
Habitat Biologist

cc:

M. Lidgard, EPA
R. Evans, DEC
M. Miller, ADF&G (e-mail)
J. Meehan, ADF&G (e-mail)

R. Sinnott, ADF&G (e-mail)
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